

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania
Civil Division

Case No.

3:20-cv-0349
(to be filled in by the Clerk's Office)Hashim Kareem Farlow

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
Pennsylvania Department of
Corrections~~Pennsylvania Department~~

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
SCRANTON

FEB 27 2020

PER

KF
DEPUTY CLERKCOMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Hashim Kareem Farlow
 All other names by which
 you have been known: _____
 ID Number MP 7789
 Current Institution SCI - Dallas
 Address 1000 Follies Road
Dallas PA 18612
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Pennsylvan Department of Corrections
 Job or Title (*if known*) _____
 Shield Number _____
 Employer _____
 Address Dallas PA 18612
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name B. Conway
 Job or Title (*if known*) I dont know this guy
 Shield Number _____
 Employer First Name
Correctional officer
 Address Dallas PA 18612
City State Zip Code

☒ Individual capacity ☐ Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

P.R.E.A Prison Rape Elimination Act /
Sexual Harassment zero Tolerance
Policy, character defamation, Pain suffering
Abuse

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

on September 23~~rd~~ 2019

attached B Iv

~~Clarification~~

I asked C'O Conway For a Pass so that I can go to the chow Hall so that I can Eat, Because I'm missing my Inmate I.D. He than gave me a pass to go Eat Lunch and called me A Homosexual. He stated and Wrote on ~~my~~ my pass Homo Farlow. My name IS Hashim Farlow and Homo IS ~~be~~ short for Homosexual. On September 25th I went to the outside Hospital and got stitches on my Right wrist. two days ~~ago~~ After the Incident when C'O called ~~ever~~ me a Homosexual on a written Pass. ~~That is the~~ The Reason I got stitches was because C'O Conway told ~~the~~ ^{me} the Inmates in the Jail that I'm a Homosexual. Everybody in S.C.I Dallas ^{believe} I'm gay. ~~and~~ And Even the people in my Religion Been treating me different.

The reason I got stitches in my right wrist is because ~~after~~ I punch the glass on C-Block and I had to go ~~to~~ to ~~the~~ the outside hospital. Because ^{of} C/O Conway Rumor I'm gay I was really stressed and depressed that I lost control and ~~and~~ out of frustration I self harm myself.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

September 23rd 2019

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

It was people around they were not
Aware of what he wrote

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

yes I got stitches ^{on} my right wrist
because of accusation people been accusing me
of being gay because of C/O Conway which
lead me to punching the window on C-Block

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- Sexual Harrassment - Because I was called a Homosexual
By a C/O That's suppose be trust worthy person I
can depend on for protection
- pain In Suffering - Becuse I was so stressed / depressed
the glass on C-Block and had to get stitches.
- Character defamation - Because I is against

my Religion and My Belief.

~~\$50,000~~ \$50,000 thousand dollars.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

S.C.I. Dallas

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

S.C.I Dallas

2. What did you claim in your grievance? That I was violated By C/O Conway, I was Sexually Harrassed by C/O Conway, That I punched the glass because C/O Conway got All the Inmates In S.C.I Dallas Believing I'm gay.

3. What was the result, if any? The Every step I took In the Grievance process were Responding By Saying Its being Investigate By PREA, Prison Rape Elimination Act, until I sent it to Secretary office of Inmates Grievance and Appeals

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote a Initial ~~Grievance~~ Grievance, ~~which~~ which was Denied because It being Investigated By PREA I wrote the Facility manager ~~because~~ It was Denied Because It should be ~~reviewed~~ ~~reviewed~~ Review by Facility Grievance coordinator Prison Rape Elimination Act, And wrote ~~Grievance~~ Secretary of Inmates Grievance and was Denied because I didn't have my paperwork needed because All my paper was stolen By The C/Os During a cell search.

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I reported the incident to P.R.E.A / BC I PRISON Rape Elimination Act, Zero Tolerance Policy. Their response was. The Allegation have previously been reported and were determined not to be repeated to trigger a formal investigation. The allegation have been logged for tracking purposes and

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) will trigger a formal investigation if repeated

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

2-15-2020

Signature of Plaintiff

Hashim Farlow

Printed Name of Plaintiff

Hashim Farlow

Prison Identification #

MP7789

Prison Address

1000 Follies RoadDallas

City

18612

State

Zip Code

PA**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

FILED
SCRANTON

FEB 27 2020

I do not have my ^{PER} ~~Grievance~~ ^{DEPUTY CLERK} because when I went to the RHO my paperwork regarding this matter was stolen from me from the Doc. Im Also missing my Grievance that I sent to MR. Ranson the Jail Superintendent But I do have a copy of How ^{He} Respond by saying its being Investigated by PREA, ~~PREA~~ Prison Rape Elimination Act. Could you help me get a discovery of All the missing paperwork that Im missing. Im Also Submitting how PREA Zero tolerance policy Reply to me when I ~~submit~~ Report to them how I was sexually Harassed by the C/O But Also The Initial Report was stolen. Could you help me get a copy my P.R.E.A Discovery Report. I Sending a copy of The substitute PASS ~~Pass~~ ~~that was stolen~~ ~~from me~~ ~~also~~ ~~before~~ ~~I~~ ~~went~~ ~~to~~ ~~the~~ ~~RHO~~ ~~I~~ ~~sent~~ ~~the~~ ~~pass~~ ~~to~~ ~~my~~ ~~sister~~ ~~and~~ ~~she~~ ~~sent~~ ~~it~~ ~~back~~ ~~to~~ ~~me~~ ~~.~~ ~~Again~~ Im missing alot of paperwork because

It was stolen by the CIO's when
cell searched. If I can get a copy
of my discovery you would see that
I ~~ad~~ went through the proper grievance
procedure. Thank you for your time
and patience

Hashim Farhan

Also can you
Assign me a Lawyer
So I can get help
with my case because
It's hard for me understanding
How to do these things by myself
I don't want these people
to get away with what
they done to me.



Facility Manager's Appeal Response

SCI Dallas
1000 Follies Rd
Dallas, PA, 18612-0286

12/10/2019 11:43

Inmate Name:	FARLOW, HASHIM	DOC #:	MP7789
Facility:	Dallas	Unit Location:	17 / C
Grievance #:	828620		

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision:Dismiss/Dismiss Untimely

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

I have reviewed the above-noted grievance, the Grievance Officer's response and your subsequent appeal of said grievance. My decision is as follows:

This grievance is being dismissed at this level due to grievances related to the following issues shall be handled according to the procedures specified in the policies listed and shall not be reviewed by the Facility Grievance Coordinator. DC ADM 008 Prison Rape Elimination Act (PREA) – allegations of a sexual nature against a staff member and/or inmate-on-inmate sexual contact.

Signature:	
Name	K. Ransom
Title:	Facility Manager
Date:	12/16/19

CC: DC-15
File

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

Issued: 1/26/2016 Effective: 2/16/2016

MP7789 Grievance #:828620

FARLOW, HASHIM

Page1 of 1

INMATE PASS SLIP

No. MP 7789 Date 23 Sept 19
 Name Hemo Farlow
 Housing Unit CA Cell Assignment _____
 Destination Chew Hall NOID

INMATE MUST TURN IN PASS
 IMMEDIATELY UPON COMPLETION
 OF THE PURPOSE FOR PASS

ISSUING AUTHORITY	<u>Conway B. Conway</u> SIGNATURE	TIME OUT <u>1137</u>
DESTINATION AUTHORITY	SIGNATURE	TIME IN
RETURN AUTHORITY	SIGNATURE	TIME OUT

RECEIVED
 SCI CAMP

NOV 18 2019

SUPERVISOR
 ASSISTANT

835570



MC

December 3, 2019

Hashim Farlow, MP7789
State Correctional Institution Dallas

Dear Mr. Farlow,

This letter serves as a response to your October 28, 2019 correspondence addressed to the BCI/PREA Coordinator reporting address with the Pennsylvania State Police. This correspondence is to confirm that your allegations were received and:

- ☐ Forwarded to facility investigators to initiate an inquiry into your claims.
- ☒ The allegations have previously been reported and were determined not to be "repeated" to trigger a formal investigation. The allegation has been logged for tracking purposes and will trigger a formal investigation if repeated.
- ☐ The contents of your correspondence are unrelated to the Prison Rape Elimination Act (PREA) and the established purpose of this address. You are advised:

The above information should sufficiently address your concerns.

Sincerely,


David Radziewicz
PREA Coordinator

DR/jd

cc: Chief Carole A. Mattis, Bureau of Standards, Audits, Assessment, and Compliance
CCPM/PCM Michael Goyne, SCI Dallas (via email)
file

Inmate Appeal to Final ReviewGRIEVANCE

INMATE NUMBER	NAME	FACILITY	DATE	GRIEVANCE#
MP 7789	Hashim Farlow	S.C.I Dallas	12-21-19	828620

I received my appeal from the Superintendent on 12-10-2019 and have the following appeal issues.

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions. Appeals must relate to the issue presented in the initial grievance and 1st level appeal.

Please provide a BRIEF (no longer than two pages) appeal statement.

I don't have All the paperwork, Leading up to ^{this} level of my appeal process, because I recently went to the RHU and All my Legal paperwork Is missing. Im sending copies of the little paperwork I still have. On September 23rd I didn't have a Inmate I.D. ~~where~~ I had to get a written substitute pass^{to} go to the chow Hall. I Asked C'O Conway for a substitute pass when he gave me the Pass He wrote on the Pass Homo Farlow, my name Is Hashim Farlow and Homo Is short for Homosexual. Since than he been spreading A Rumor around ~~the~~ the Jail that I am gay. The Inmate's been treating me different. The muslim community don't Respect me and being gay Is against my Religion and the muslim Community treating^{me} as a hypocrite because A lot of people believe Im gay. On September 25th I was so stressed and depressed I Self harm myself by punching a glass window, I received stitches on my right wrist at the outside hospital. When I got the hospital I asked the doctor could I Speak to the ~~outside~~ State troopers because I don't feel safe


INMATE SIGNATURE: _____

At S.C.I Dallas, Instead I was given medicine and was put to sleep my whole stay at the outside Hospital, And I never got to speak with the state troopers. I ~~Spoke with them~~ I Also contact PREA and Report the Incident. I do not have a copy of the pass because ~~last~~ October 23rd I went to the RHO, And All my legal paperwork is missing out of my property I filed another grievance About my missing Legal work. However I sent a copy to my sister and she will be sending a copy of the ~~Test~~ pass soon. As a Relief I would like \$50,000 ~~also~~ Fifty thousand Dollars put into my trust account.

2019

ACTION REQUIRED
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of information based on your intent to appeal the grievance noted below to final review. However, this information is being filed without action since you have failed to comply with one or more provisions outlined in DC-ADM 804, Inmate Grievance System Policy.

Inmate Name:	HASHIM FARLOW	Inmate Number:	MP7789
SCI Filed at:	DAL	Current SCI:	DAL
Grievance #:	828620		
Action:	File Without Action/Pending		
<p>Review of the information you provided indicates that your appeal is incomplete. You are not permitted to appeal to this office unless you have complied with the procedures established in the DC-ADM 804 requiring that all documentation relevant to the appeal be provided upon appeal. Therefore, you have fifteen (15) working days from the date of this notice to provide this office with all completed documents necessary for conducting final review. A failure to provide the missing information (identified below) within this time period may result in a dismissal of your appeal. Further, any future appeals received that do not contain the required documents may result in an immediate dismissal. This notice is only a courtesy of this office and may not be provided again.</p>			
PLEASE FORWARD A COPY OF THE DOCUMENTS CHECKED (XX) BELOW			
Standard or Remanded Appeal to Final Review:			
<input checked="" type="checkbox"/>	Legible copy of your initial grievance and/or resubmitted initial grievance (DC-804 Part 1 form)		
<input checked="" type="checkbox"/>	Initial review response and/or rejection		
<input checked="" type="checkbox"/>	Legible copy of your appeal to Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Remanded initial review response		
	Legible copy of your 2 nd appeal to Facility Manager, signed & dated		
	Remanded Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Appeal of Publication Denial:			
	IPRC decision to deny publication		
	Legible copy of your appeal to Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Appeal of Grievance Restriction:			
	Grievance Coordinator's notice of grievance restriction		
	Legible copy of your appeal of grievance restriction to the Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Please Note:			
<ul style="list-style-type: none"> Photocopying Services - Each facility has established local procedures for photocopying services for inmates housed in general population, as well as for those inmates housed in specialized units. If you are not familiar with these procedures, refer to your Facility Inmate Handbook or ask your Unit Team. If you do not have the requested document(s) to make a photocopy, contact the Facility Grievance Coordinator for additional copies. Fees may be assessed, in accordance with the DC ADM 003. Indigent Inmate - If you meet the criteria for indigent status, please refer to DC ADM 803 for current guidelines regarding postage and copying charges. 			
Signature:	Amanda West 	Grievance Review Officer	Date: 01.09.2020

AMW

cc: DC-15/Superintendent - DAL
 Grievance Office

State Correctional Institute Dallas
1666 Follies Road
Dallas TX, 75212

United States Distr
middle District of penns
Clerk Court - Mary E.
U.S post office and Cour
Scranton, PA 18501

